

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV

Received

APR 26 2018

By: **COMPLAINT INVESTIGATION FORM**






*If there is an issue with more than one veterinarian please file a
separate Complaint Investigation Form for each veterinarian*

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLYDate Received: April 26, 2018 Case Number: 18-106**A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:**

Name of Veterinarian/CVT: Dr. Babcock
Premise Name: Palo Verde Animal Hospital
Premise Address: 1215 E. Northern Ave.
City: Phoenix State: AZ Zip Code: 85020
Telephone: (602) 944-9661

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Ronald Resnick, DVM
Address: 
City:  State:  Zip Code: 
Home Telephone:  Cell Telephone:

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):Name: Ming-Ming DejesusBreed/Species: FelineAge: 14yr Sex: f Color: Black**PATIENT INFORMATION (2):**

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:*Please provide the name, address and phone number for each veterinarian.*

Dr. Babcock - see above.

Dr. Resnick - see above.

E. WITNESS INFORMATION:*Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.*

Kuhle - listed owner in AZ

Frances Dejesus - listed owner in CA

Gaby Alvarado - office manager in CA

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Date: 4/25/19

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Dr. Babcock is telling the owner of this patient we have seen that we have dispensed Hills c/d diet in error and that it does not help female cats at all.

He is not stating he believes this opposed to current beliefs or even against what Hills has stated. We have an email from Hills we told him and he says he knows more than everyone else, including the company that makes the food he sells.

Again, he is not telling the client that he has different beliefs -- only that it was mis-dispensed. This client now is upset and wants to take us to court.

We have also reviewed Dr. Babcock's records in which he started treatment of this patient using Hills c/d diet BEFORE he saw the patient to have a doctor-patient relationship. He has performed an in-house UA with only listing the specific gravity of the urine and noted he saw red and white cells. There is no note as to how the urine was collected nor how many red and white cells or even if any crystals were seen. In CA this would be a violation of improper medical records. The pet also appeared to have hyperthyroidism but no notes as to any recommendations for treatment for this.

I initially thought that if we spoke to the doctor it would resolve the problem but he refuses to change what he is telling his client. He just states "these things happen."

I also contacted your veterinary association to avoid any filing with the board - but they stated they would not call and speak to Dr. Babcock. They just don't do that. I asked then if I should then contact the board and they told me yes.

I don't think Dr. Babcock is probably a bad doctor, but he needs to be careful of how he presents what he feels vs the norm in veterinary medicine.

Please keep me advised as to what happens. I hope this can be resolved since Frances DeJesus (still in CA) stated she wanted to take us to court over this problem caused by Dr. Babcock. I can forward the email we got from Sara Simpson, DVM at Hills if you would like. Dr. Babcock is already aware of it.

Thank you for your looking into this matter.



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www.paloverdeanimalhospital.com

Dr. Ross E. Babcock

Dr. Anna D. Krumins

Dr. Sharon Ottman

May 9, 2018

Arizona State Veterinary Medical Examining Board

1740 W Adams St, Ste. 4600

Phoenix, AZ 85007

RE: 18-106

To Whom It May Concern:

On 4/12/18, Ming-Ming, a dilute tortoise-shell calico cat, was presented to me by Rachelle Kuhle for 'trouble urinating.' She was presented to me as a male and the records were initiated as though she was a male. Into the examination, it was discovered that, in fact, Ming-Ming is female. Her bladder was small (nearly void). The owner expressed that she had a history of urinary tract infections and that she was put on C/D to prevent urinary tract obstruction. I performed a urinalysis and discovered that she had a few white blood cells, many red blood cells, no bacteria in the urine and the urine specific gravity was appropriate. I recommended a urine culture to rule out an occult urinary tract infection. The culture was declined. In addition to some unrelated findings, I diagnosed urinary tract inflammatory disease with the differentials of occult bacterial cystitis, interstitial-like cystitis, etc. I dispensed an antibiotic in case the cystitis was bacterial.

C/D diet was discussed. I told Rachelle that feline C/D is often fed as a sole diet to reduce the urinary tract production of certain crystals and stones. The crystals participate in the urethral obstruction of male cats. The C/D does not prevent spontaneous, non-infectious cystitis of cats. C/D only reduces output of certain minerals. Those minerals participate in the formation of some types of bladder stones, kidney stones, and urinary crystals.

One of the problems is the misdiagnosis of the sex of Ming-Ming. She had been treated as if she were male. Male cats often obstruct. Female cats seldom obstruct. Female cats do get kidney stones,



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and bladder stones, but not that frequently. Especially in cats younger than 11 years, C/D may reduce those stones. Ming-Ming is 14 years old.

The other difficulty is the matter of communication. I was dealing with Rachelle Kuhle as the owner. Dr. Ronald Resnick, DVM in California was apparently dealing with Frances DeJesus as owner. I didn't talk to Frances DeJesus. My discussion with Rachelle Kuhle about C/D for Ming-Ming was related to my evaluation of Ming-Ming and only with Rachelle Kuhle. Dr. Ronald Resnick's discussion was with Frances DeJesus in California and did not involve me. I only considered the condition of Ming-Ming as I evaluated her.

Sincerely,

Dr. Ross E. Babcock



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, D.V.M. - Chair
Ryan Ainsworth, D.V.M.
Christina Tran, D.V.M.
Mary Williams
Carolyn Ratajack

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Michael Raine, Assistant Attorney General

RE: Case: 18-106
Complainant(s): Ronald Resnick, DVM
Respondent(s): Ross Babcock, DVM (License: 0673)

SUMMARY:

Complaint Received at Board Office: 4/26/18
Committee Discussion: 9/11/18
Board IIR: 10/17/18

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014
(Salmon); Rules as Revised September
2013 (Yellow).

Complainant stated Respondent gave a mutual client misleading information about the treatment of their cat, "Ming-Ming" a 14-year-old female domestic short hair, causing the client to threaten to pursue legal action against Complainant. Complaint further expressed concern regarding Respondent's medical record keeping and lack of treatment recommendations.

Complainant contends Respondent's conduct was unprofessional.

Complainant was noticed and did not appear.

Respondent was noticed and appeared with counsel, Reed Campbell.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Ronald Resnick, DVM
- Respondent(s) narrative/medical record: Ross Babcock, DVM

PROPOSED 'FINDINGS of FACT':

1. Complainant expressed concerns that Respondent advised a mutual client that he dispensed c/d cat food in error and it does not help female cats at all. Respondent did not tell the pet owner that he had different beliefs only that the food was mis-dispensed. Complainant further stated that Respondent demonstrated improper medical record keeping with respect to the urinalysis, treated the cat prior to establishing a doctor-patient-relationship and did not make recommendations to treat the cat's hyperthyroidism.
2. On April 12, 2018, according to Respondent, the cat was presented to him as a male cat by the pet owner who expressed concerns that the cat had a history of urinary tract infections; the cat was put on c/d to prevent urinary tract obstruction. The pet owner noted the cat was having trouble urinating that day and brought the cat to Respondent for evaluation. Respondent noted that the cat was a female not a male. Upon exam, the cat had a weight = 7.9 pounds, a temperature = 102.1 degrees, a heart rate = 185bpm and a respiration rate = 45rpm; advanced gum disease and a large thyroid was found. Urine was collected via cystocentesis and Respondent noted many red blood cells, few white blood cells and no bacteria; S.G. 1.058. He recommended a urine culture which was declined. Respondent diagnosed the cat with urinary tract inflammation disease with the differentials of occult bacterial cystitis, interstitial-like cystitis, etc.
3. Respondent stated that c/d diet was discussed with the pet owner. He advised that c/d is often fed as a sole diet to reduce the urinary tract production of certain crystals and stones. The crystals participate in the urethral obstruction of male cats (this cat was a female). The c/d does not prevent spontaneous, non-infectious cystitis of cats. C/d only reduces output of certain minerals. Those minerals participate in the formation of some types of bladder stones, kidney stones, and urinary crystals.
4. Respondent explained that female cats seldom obstruct however they do get kidney stones and bladder stones, but not frequently. Especially in cats younger than 11 years old, c/d may reduce those stones, this cat was 14 years old. The cat was vaccinated and was discharged with Clavamox 62.5mg, 28 tablets; give one table every 12 hours until gone.
5. The following day, blood was collected on the cat and submitted for testing. Results revealed the cat was hyperthyroid and the cat was referred to Radiocat for I13 treatment.
6. It was noted in the electronic medical records faxed to Complainant that c/d dry and canned was dispensed on March 16th and April 4th, prior to Respondent evaluating the cat.
7. Respondent stated in his narrative, that he was dealing with Rachelle Kuhle as the pet owner. Complainant was dealing with Frances DeJesus as the pet owner. Complainant's discussion with Frances DeJesus did not involve Respondent and Respondent only considered the condition of the cat as he evaluated her.

COMMITTEE DISCUSSION:

The Committee discussed that this case appeared to be a difference of opinion between two

veterinarians. Each veterinarian was dealing with a different pet owner and may have been getting different stories and/or information.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

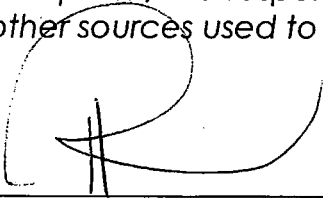
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'TR' with a large loop, positioned above a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division